

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2004:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
James S. Burgett, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Kenneth L. Bowman

On motion of _____, which carried ____, the following resolution was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-83-04 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO REVISE SECTION 24.1-327(b) OF THE YVA – YORKTOWN VILLAGE ACTIVITY DISTRICT REGULATIONS TO ALLOW THE CONSTRUCTION OF NEW SINGLE-FAMILY DETACHED RESIDENCES, OR ADDITIONS THERETO, AS A MATTER OF RIGHT AND TO ESTABLISH A PROCEDURE FOR BOARD OF SUPERVISORS' APPROVAL OF ANY SUBDIVISION PROPOSAL IN THE YVA DISTRICT

WHEREAS, in accordance with Section 24.1-327(b) of the Zoning Ordinance, any new single family detached residential construction or substantial additions in the YVA District are subject to review and approval by the Planning Commission and Board of Supervisors, and minor additions are subject to review by the Board; and

WHEREAS, given the adoption of the Yorktown Historic District and Design Guidelines, such single family construction or additions can be appropriately and adequately reviewed by the Historic Yorktown Design Committee and permitted as a matter of right, subject to compliance with certain minimum setback and yard requirements; and

WHEREAS, in the interest of good zoning practice, the Board of Supervisors has sponsored an application to amend Section 24.1-327(b) to establish such an approval process; and

WHEREAS, said application has been referred to the Planning Commission for review and public hearing in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application and has recommended approval; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on the application and has considered the comments and recommendations received from the public and the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this ____ day of _____, 2004, that it does hereby approve Application No. ZT-83-04 to amend section 24.1-327(b) of the York County Zoning Ordinance to establish an approval process for single-family detached dwellings, and additions thereto, in the YVA District that does not require review by the Planning Commission and Board of Supervisors and to establish a requirement for Board of Supervisors' approval of any subdivision proposal within the YVA district, said amendments to read as set forth below. :

BE IT FURTHER ORDAINED that the effective date of said amendments shall be June 1, 2004.

Sec. 24.1-327. YVA-Yorktown village activity district.

(b) *Special procedural requirements.*

- (1) The use of any land or building within the YVA district on the date of the inclusion of such property in the district may either continue to be used for its then existing purpose or may thereafter be changed, but only in accordance with all applicable regulations, to accommodate any of the land uses listed in section 24.1-327(c), any provisions of article VIII, Nonconforming Uses, of this chapter to the contrary notwithstanding.
- (2) Any proposed new use, other than single-family detached dwellings, shall be approved only by the board of supervisors in accordance with the procedures for special use permits in section 24.1-115 of this chapter. Permitted land uses shall be those listed in section 24.1-327(c).
- (3) ~~Proposed enlargements or extensions of any single family detached dwelling may be authorized, without public hearing, by resolution of the board.~~ With the exception of single family detached dwellings, the pProposed enlargement or extensions of any use in this district which would result in an increase of less than twenty-five percent (25%) in either total lot coverage or floor area may be authorized, without public hearing, by resolution of the board. Proposed enlargement or expansion of any use, other than a single-family detached dwelling, that would result in an increase of twenty-five percent (25%) or more in either total lot coverage or floor area shall be subject to approval in accordance with the procedures for special use permits.

- (4) Proposed changes in use of land, buildings or structures within the district may be approved by the zoning administrator upon a determination that the proposed new use is similar in type, size, scope and intensity to the previous use and that it is one of permitted uses listed in subsection (c) below. Where, in the opinion of the zoning administrator, such similarities do not exist, the proposal shall be subject to review and approval in accordance with the procedures for special use permits specified in section 24.1-115 of this chapter.
- (5) The construction of new single-family detached dwellings, or the enlargement of existing single-family detached dwellings, ~~may be approved by the board of supervisors~~ shall be permitted as a matter of right provided that the proposed location is not within one of the areas specifically designated for commercial development by the adopted Yorktown ~~m~~Master ~~p~~Plan and that the following setback and dimensional requirements, ~~or such other standards as the board deems necessary and appropriate,~~ are observed, and provided that all applicable requirements and procedures set out in the Yorktown Historic District Overlay (Section 24.1-377) are observed.

Front Yard	Twenty-five feet (25') [7.5m]
Side Yard	Ten feet (10') [3m] , five feet (5') [1.5m] for accessory buildings
Rear Yard	Twenty feet (20') [6m] , five feet (5') [1.5m] for accessory buildings
Building Height	Thirty-five feet (35') [10.5m] , unless a lower height is deemed necessary to the board to ensure compatibility with the character of the surrounding area.

- (6) Applications for approval of new single family detached residences, or additions to existing single family detached residences, which do not comply with the above noted minimum dimensional standards shall be referred to the Planning Commission and Board of Supervisors in accordance with the same procedures applicable to requests for special use permits.
- (7) Any proposed subdivision of a lot or parcel in the YVA District shall be referred to the Planning Commission and Board of Supervisors for review and action in accordance with the same procedures applicable to requests for special use permits.
